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Via ECF and Fax

September 28, 2007

Kevin N. Fox, USMJ
United States District Court, SDNY
500 Pearl Street, Rm 540
New York, NY 10007
Tel: 212-805-6705
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Re: Orlandy Arabalaez v. Imperial Parking
Status Report – Upcoming Settlement Conference
Civ. Action #: 07-CV-4630 (CM)(KNF)

Dear Magistrate Fox:

I represent Plaintiff in the above-referenced matter and write to provide the Court with a status report regarding the settlement conference scheduled for October 1, 2007. On Wednesday, September 26, 2007 I contacted Defense Counsel Douglas Rowe as to overdue responses to discovery demands and the upcoming settlement conference. As to the overdue discovery responses which I intend to use in preparing my settlement statement, Mr. Rowe said the earliest he can produce these is next week. Mr. Rowe also stated that he would be writing the Court that same day – 9-26-2007, to request an adjournment of the settlement conference. I told Mr. Rowe I will not consent to the adjournment but will not oppose it. I am writing now because it does not seem that Mr. Rowe has written to the Court -- I have not received a copy of any such communication.

I remain ready to attend the conference and can use my client's version of events, in the absence of Defendant's discovery responses, to prepare a settlement statement, if the Court intends to go forward with the conference on October 1, 2007. However, it takes both parties to achieve settlement and I think a party has a duty to update the Court if it believes it cannot attend a scheduled court conference. As Defendant has apparently not written the Court to request an adjournment, I am writing to provide the Court with this update so the time of the Court and Plaintiff's counsel are not wasted.

I thank the Court in advance for its time and consideration.

Yours truly,

/s/ Abdool Hassad
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cc: Defense Counsel Douglas Rowe, Esq. via ECF & Fax: 516-296-7111